

Response
Application No. 10/688,945
Attorney Docket No. 031215

REMARKS

Claims 1-16 are pending in the present application, of which claims 14-16 have been withdrawn from consideration. By this Amendment, claims 1 and 2 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the outstanding Office Action dated July 23, 2007.

As to the Merits:

As to the merits of this case, the Examiner sets forth the following rejections:

claims 1-6, 8, 9 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stern (US 2004/0098453 A1) in view of Itakura (US 2003/0060285 A1);

claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Stern (US 2004/0098453 A1) in view of Itakura (US 2003/0060285 A1) and Hendrix (US 2006/0252529 A1); and

claims 10, 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stern (US 2004/0098453 A1) in view of Itakura (US 2003/0060285 A1) and 1, 2 and 3 above, Nugent, Jr. (US 2004/0041021 A1).

Each of these rejections is respectfully traversed.

Independent Claim 1

Independent claim 1, as amended, now calls for *at least one terminal which reads identifying information from an identifying information recording part linked to a prescribed article and sends the information to at least one server of a plurality of servers, set in advance, via a network, as well as converts a received audio data to audible sounds or voices, and said at least one server of the plurality of servers sends audio data related to said article to said terminal via a network based on said received identifying information.*

For example, as shown in Fig. 3 of the present invention, after a user requests program data by reading the bar code data, such as bar code on an audio CD, the terminal accesses a server registered in advance, by using the bar code data as the argument, **from all the registered servers**. Once the terminal finds **a valid server from all the available servers**, it then acquires the program data such as audio tunes from the valid server which is then played back to the requesting user. This gives the user the flexibility to use more than one terminal to directly access more than one server via the internet to retrieve the program of their choice. Also, it reduces the amount of data that may need to be stored at any one server.

Unlike the present invention, which discloses a plurality of preset servers, the Stern reference discloses only one server as illustrated in Figs. 4, 7 and 11. More specifically, under the heading SUMMARY OF THE INVENTION on page 1 of the disclosure, the Stern reference

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discloses the following: “The present invention ... allows the perspective customer to selectively preview tracks of CDs, ... stored in a **multimedia server** once the product of interest has been identified, ... by scanning the product’s UPC code. In other words, Stern is only concerned with sending identifying information and receiving audio data from a single serve, and not a plurality of servers, as now called for in claim 1.

As such, it is respectfully submitted that Stern fails to disclose or fairly suggest the features as now set forth in independent claim 1 regarding *at least one terminal which reads identifying information from an identifying information recording part linked to a prescribed article and sends the information to at least one server of a plurality of servers, set in advance, via a network, as well as converts a received audio data to audible sounds or voices, and said at least one server of the plurality of servers sends audio data related to said article to said terminal via a network based on said received identifying information.*

Moreover, it is respectfully submitted that the secondary reference of Itakura fails to disclose or fairly suggest the above-noted drawbacks and deficiencies with regard to the primary reference of Stern. Accordingly, withdrawal of the rejection based on the combination of Stern and Itakura is respectfully requested.

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Dependent claim 2

Claim 2 calls for ..., a first address storage in which said network address is described, a second address storage in which the network address of at least one sending destination server that sends said identifying information and said audio data delivery request is described,

The Office Action rejects claim 2 under 35 U.S.C. 103 as being unpatentable over the primary reference of Stern in view of Itakura. Applicants disagree with the Examiner on this rejection.

The Examiner asserts that the Fig. 7 of the Stern reference discloses a Flash ROM 790 as a first address storage for storing the network address. Applicants agree with this assessment, however, the Examiner also asserts that the Flash ROM 790 also discloses a second address storage for network address. Here, Applicants disagree with the Examiner because the PC board electronics 790 includes a CPU, RAM and ROM memory only as illustrated in Fig. 7. It is clear from the Fig. 7 that the Flash ROM is the **only non-volatile** memory present in the PC board electronics capable of storing network address data. This is completely different from the claim 2, since it requires a **first address storage** and a **second address storage** both of which are capable of storing network address data.

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Therefore, the Examiner fails to establish a *prima facie* case of obviousness because neither Stern nor Itakura discloses a second storage in the terminal.

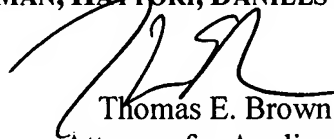
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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